



**BYRON W. BROWN**  
Mayor of Buffalo

**CAVETTE A. CHAMBERS**  
Corporation Counsel

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LAW DEPARTMENT

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April 12, 2022

Hon. Lawrence J. Vilardo  
United States District Judge  
Robert H. Jackson United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

Re: Sanchez v. City of Buffalo, et al.  
17-cv-455

Dear Judge Vilardo:

In *Thompson v. Clark*, 2022 WL 994329 (April 4, 2022), the Supreme Court held that to satisfy the favorable termination element of a federal malicious prosecution claim, a plaintiff need only show that the criminal prosecution ended without a conviction, abrogating *Lanning v. City of Glens Falls*, 908 F.3d 19 (2d Cir. 2018). In *Lanning*, the court held that to satisfy that element, plaintiff was required to show that the criminal case ended in a way that affirmatively indicated innocence.

Of course, a favorable termination is not the only question that is relevant to whether the plaintiff has a valid malicious prosecution claim. It is my professional responsibility under Rule 3.3 of the New York Rules of Professional Conduct to disclose *Thompson* to both the plaintiff and the court.

Thank you for your attention to this matter.

Respectfully yours,

Cavette A. Chambers  
Corporation Counsel

By: s/David M. Lee  
Assistant Corporation Counsel  
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cc. Carlos M. Sanchez, Plaintiff

### CERTIFICATE OF SERVICE

I certify that on April 12, 2022, I served the foregoing upon plaintiff, together with a copy of the *Thompson* decision that is reported exclusively on Westlaw, by e-mail to: dj13sanz@gmail.com, e-mail being the primary mode of communication between the parties in this action.

Dated: Buffalo, New York  
April 12, 2022

s/David M. Lee